**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2977 OF 2003

Smt Taramati Shankar Gurav and Anr. Petitioners
Vs
Shri Shamrao Shankar Gurav and ors. Respondents

Mr Y.R.Shah i/b Ms Harsha J Purohit, for the petitioners.

Mr S.R.Bhalekar for respondent no.1.

Mr Prakash Goriya,for respondent nos 5 to 8.

**CORAM : D.B.BHOSALE,J.**

**DATE : FEBRUARY 16, 2005.**

**P.C.**

1. Heard the learned counsel for the parties.

2. The petitioners-plaintiffs have impugned only the part of the order dated 2.12.2002 passed by the City Civil Court by which, while allowing the amendment, the Plaint has been returned to the petitioners for presenting it to the Court in which the suit should have been instituted. The only contention raised by Mr.Shah, learned counsel for the petitioners, is that while allowing the amendment the Court also allowed the amendment by which the petitioners reduced their share in the property to 1/10th instead of one-half and in view thereof the value of the claim stood reduced and, therefore,

there was no need of returning the Plaint. The value of the property is 2,53,800/- and that both the petitioners, admittedly, claim 1/10th share each in the property. Keeping that in view, the value of the claim of the petitioners, who are claiming 1/10th share each, would be over Rs. 50,000/-. I see no infirmity in the order by which the plaint has been returned for presenting it to the Court in which the suit should have been instituted. The writ petition is accordingly dismissed.

**(D.B.BHOSALE, J.)**

rrt/db-05/b-16205/wp2977-03